THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 25104 of 1997

O r d e r:

The petitioner claims to have worked as Cleaner from 10.08.1985 to 07.11.1987 on a private bus bearing Registration
No. ATO 180, which plied on the route Parvathagiri to Warangal. Consequent on nationalization of the route in 1997, the petitioner claims that the staff (two drivers and one conductor) working on the bus, were absorbed into the service of the respondents-A.P.S.R.T.C. The petitioner further claims that he worked as a Water Boy at Warangal-II Depot for one month, and as Office Boy for a period of 14 months at Parkal Depot. The petitioner states that consequent on nationalization, he made several representation for absorption, and that he had even responded to the notifications issued for recruitment by the respondents-A.P.S.R.T.C., but his case for absorption was neither considered nor was he appointed. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-A.P.S.R.T.C.

The learned counsel for the petitioner submitted that the petitioner, who worked as Cleaner on a private bus bearing Registration No. ATO 180, which plied on the route Parvathagiri to Warangal, was displaced consequent on nationalization of the route. Thereafter, he worked as Water Boy at Warangal-II Depot for a period of one month, and as Office Boy at Parkal Depot for a period of 14 months. Though the petitioner made several representations and even responded to the recruitment notifications, the respondents-A.P.S.R.T.C. neither absorbed him into service nor appointed him under the displaced persons quota. He, therefore prays that appropriate directions be given to the respondents to absorb him into service as Cleaner.

On behalf of the respondents, the Chief Law Officer, filed detailed counter. The learned Standing Counsel for the respondents-A.P.S.R.T.C. reiterating the counter-averments contended that in 1987 in Warangal District about 42 private services were nationalized, for which 10 vacancies of Cleaners, were sanctioned by the respondents-A.P.S.R.T.C. vide Cir. No. PD-139/87, dated 29.12.1987, and in pursuance thereof, recruitment notifications were issued. About 128 candidates applied to the posts of Cleaner, and out of them, 125 candidates appeared for the interviews, which were conducted from 21.03.1988 to 24.03.1988. Thereafter, a Trade Test was conducted, out of which 11 were selected. He contended that the petitioner never responded to the recruitment notification, and this apart, the owner of the Bus bearing Registration No. ATO 180, on which the petitioner claimed to

have worked as Cleaner, did not sponsor any candidate for absorption. While denying the contention of the petitioner that he worked at Parkal Depot for a period of 14 months as Office Boy, he contended that the petitioner earlier filed W.P. No. 15581 of 1997 praying for a direction to the respondents-A.P.S.R.T.C. to consider his case for appointment as Conductor, but the same, by order dated 30.07.1997, was dismissed. He thus prayed that the writ petition be dismissed.

The petitioner though claims to have worked as Cleaner on the Bus bearing Registration No. ATO 180, which plied on the route Parvathagiri to Warangal, and was displaced consequent upon nationalization of the said route, but the same is disputed by the respondents-A.P.S.R.T.C, and it is contended by them that the owner of the Bus, on which the petitioner claims to have worked as Cleaner, did not sponsor any name for absorption. Further, it is the case of the respondents that consequent upon nationalization of 42 private services in Warangal District, ten vacancies of Cleaners, were sanctioned by the respondents-A.P.S.R.T.C. vide Cir. No. PD-139/87, dated 29.12.1997, and though in pursuance of the said sanction, the respondents-A.P.S.R.T.C. issued recruitment notification, the petitioner did not respond to the same. That in response to the said recruitment notification, about 128 candidates applied, of which 125 attended the interview, and ultimately 11 were selected upon their passing the Trade Test. That 5the petitioner did not even work at Parkal Depot. When the owner of the Bus on which the petitioner claimed to have worked as Cleaner, is said to have not sponsored any name, much less the name of the petitioner, when the petitioner is said to have not worked with the respondents-A.P.S.R.T.C. and not even responded to the recruitment notification issued by the respondents-A.P.S.R.T.C., no exception can be taken to the action of the respondents-A.P.S.R.T.C. in not considering the case of the petitioner for absorbing/appointing him into service. Had the name of the petitioner been sponsored by the owner of the Bus on which he had worked, then he would have been justified in seeking a direction to the respondents-A.P.S.R.T.C. to consider his case for absorption or appointment, if not to the post of Cleaner in any other suitable post, but that is not the case on hand. This apart, it is the case of the respondents-A.P.S.R.T.C. that there are no vacancies available under the displaced employees quota, and that all the vacancies that were sanctioned were filled up, and that the writ petition in W.P. No. 15581 of 1997, filed by the petitioner on an earlier occasion, seeking direction to the respondents-A.P.S.R.T.C. to consider his case for appointment as Conductor, was dismissed by this Court vide order dated 30.07.1997. When such is the case of the respondents-A.P.S.R.T.C., neither any exception can be taken to the action of the respondents-A.P.S.R.T.C. in not considering the case of the petitioner for absorption/appointment nor any direction can be given to the respondents-A.P.S.R.T.C. to consider his case for appointment as Cleaner or for any other suitable post.

The writ petition is devoid of merit, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 31st January, 2006.

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